



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Susan M. Donahue
Rockwell Automation
704-P, IP Department
1201 South 2nd Street
Milwaukee, WI 53204

COPY MAILED

AUG 05 2008

In re Application of :
David M. Callaghan, et al. :
Application No. 10/731,940 : **DECISION ON PETITION**
Filed: December 10, 2003 :
Attorney Docket No. 03AB1118A/ALBRP331USA :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 17, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Non-Final Rejection mailed, March 20, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136 (a) were obtained. Accordingly, the application became abandoned on June 21, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment after Non-Final, (2) the petition fee of \$1540, and (3) an adequate statement of unintentional delay.

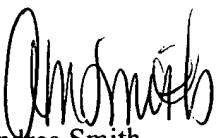
37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a request to change the address of record should be filed.

A courtesy copy of this decision is being mailed to the address given in the petition. Nevertheless, all future correspondence will be mailed to the address of record.

Telephone inquiries concerning this decision should be directed to Denise Williams at (571) 272-8930.

This application is being referred to Technology Center AU 2178 for appropriate action by the Examiner in the normal course of business on the reply received.

A handwritten signature in black ink, appearing to read 'Andrea Smith', is positioned above the printed name.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Amin, Turocy & Calvin, LLP
24th Floor, National City Center
1900 E. 9th Street
Cleveland, OH 44114